

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

NICOLE JENNINGS WADE,	)	
JONATHAN D. GRUNBERG, and	)	
G. TAYLOR WILSON	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION
v.	)	
	)	
L. LIN WOOD,	)	FILE NO. 1:22-CV-01073
	)	
Defendant.	)	
_____	)	

**DEFENDANT’S SECOND MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Defendant L. LIN WOOD, and files this his Second Motion for Summary Judgment, and respectfully shows this Court as follows:

1.

Defendant Wood (hereinafter referred to as the “Defendant”) is entitled to summary judgment as a matter of law on all the Plaintiffs’ claims.

2.

There are no issues of material fact.

3.

This Motion is based on the pleadings; the deposition of the Defendant (attached to Defendant’s Brief in Support of Second Motion for Summary Judgment as “**Exhibit A**”); the Agreement (attached to Defendant’s Brief in Support of Second

Motion for Summary Judgment as “**Exhibit B**”); the July 24, 2020 letter (attached to Defendant’s Brief in Support of Second Motion for Summary Judgment as “**Exhibit C**”); the Plaintiffs August 26, 2020 Demand (attached to Defendant’s Brief in Support of Second Motion for Summary Judgment as “**Exhibit D**”); the Press Release (attached to Defendant’s Brief in Support of Second Motion for Summary Judgment as “**Exhibit E**”); the affidavit of Christopher Marquardt, former-counsel for the Defendant (attached to Defendant’s Brief in Support of Second Motion for Summary Judgment as “**Exhibit F**”); and all evidence of record.

4.

As set forth more fully in his supporting Brief, the Defendant is entitled to summary judgment as a matter of law for three separate and distinct reasons.

First, all Plaintiffs hereto are limited-purpose public figures given the role they played in creating the controversy with respect to which they were allegedly defamed. Yet, no sufficient evidence either proving actual malice, or refuting that the statements made by the Defendant (hereinafter, the “Statements at Issue”) were privileged, has been offered.

Second, the Plaintiffs have failed to show that the Statements at Issue constituted defamation per se. Yet, no sufficient evidence of actual damages has been offered.

Third, the Statements at Issue cannot be classified as defamatory, regardless of how the Plaintiffs are classified, because there is no evidence refuting that the Statements at Issue are anything *other than* present-sense impressions and subjective opinions made by the Defendant with regard to the conduct of the Plaintiffs. As such, there is no evidence of actual falsity in this case. Because there is nothing for the Plaintiffs to recover in this case, their claims are barred as a matter of law, and the Defendant is entitled to summary judgment as a matter of law.

WHEREFORE, Defendant Wood hereby respectfully requests that this Court GRANT his Second Motion for Summary Judgment and dismiss the claims asserted by the Plaintiffs against him with prejudice.

Respectfully submitted,

**DOWNEY & CLEVELAND, LLP**

By: /s/ R. CHRISTOPHER HARRISON  
**R. CHRISTOPHER HARRISON**  
Georgia State Bar No. 333199  
**JACKSON A. GRINER**  
Georgia State Bar No. 495020  
harrison@downeycleveland.com  
*Attorneys for Defendant*

Downey & Cleveland, LLP  
288 Washington Avenue  
Marietta, GA 30060-1979  
T: 770-422-3233  
F: 770-423-4199

*[Signatures continue onto next page]*

**L. LIN WOOD, P.C.**

By: /s/ L. LIN WOOD

L. Lin Wood

Georgia State Bar No. 774588

lwood@linwoodlaw.com

L. Lin Wood, P.C.  
P.O. Box 52584  
Atlanta, GA 30355  
T: 404-891-1402  
F: 404-506-9111

**REYES LAWYERS, P.A.**

By: /s/ IBRAHIM REYES

Ibrahim Reyes

Florida State Bar No. 581798

ireyes@reyeslawyers.com

Reyes Lawyers, P.A.  
236 Valencia Avenue  
Coral Gables, FL 33134  
T: 305-445-0011  
F: 305-445-1181

**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1(D) of the Northern District of Georgia, I hereby certify that this submission has been prepared in compliance with Local Rule 5.1(C), using 14-point Times New Roman Font.

Respectfully submitted,

**DOWNEY & CLEVELAND, LLP**

By: /s/ R. CHRISTOPHER HARRISON  
**R. CHRISTOPHER HARRISON**  
Georgia State Bar No. 333199  
**JACKSON A. GRINER**  
Georgia State Bar No. 495020  
harrison@downeycleveland.com  
*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the following counsel of record with a true and correct copy of the foregoing pleading via electronic service and/or by depositing said copy in the United States Mail, with sufficient postage affixed thereon, and properly addressed to the following:

Andrew M. Beal, Esq.  
Milinda Brown, Esq.  
Buckley Beal, LLP  
600 Peachtree Street, NE  
Suite 3900  
Atlanta, GA 30308

This 17<sup>th</sup> day of April, 2023.

**DOWNEY & CLEVELAND, LLP**

By: /s/ R. CHRISTOPHER HARRISON  
**R. CHRISTOPHER HARRISON**  
Georgia State Bar No. 333199  
**JACKSON A. GRINER**  
Georgia State Bar No. 495020